

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------|---|-------------------|
| LINDA METCALF, MICHELLE | : | No. 4:11-CV-00127 |
| HARTLY, FILMWEST | : | |
| PRODUCTIONS, LLC, SUNWEST | : | (Judge Brann) |
| CAPITAL MANAGEMENT, Inc. | : | |
| d/b/a SPIRIT HALLOWEEN, | : | |
| DO YOU KNOW WHERE YOUR | : | |
| PARENTS ARE, LLC | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| MERRILL LYNCH, PIERCE, | : | |
| FENNER & SMITH, Inc. and | : | |
| ROBIN BRUBACHER, | : | |
| | : | |
| Defendants. | : | |

ORDER

AND NOW, this 10th day of October 2017, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion for Summary Judgment, ECF No. 213, is
GRANTED IN PART AND DENIED IN PART as follows:
 - a. The motion is **GRANTED** as to Plaintiffs' RICO claim (Count I).
 - b. The motion is **GRANTED** as to Plaintiffs' demand for damages in the form of lost profits.
 - c. The motion is **DENIED** as to Plaintiffs' demand for damages in the form of lost pre-production expenses.

- d. The motion is **DENIED** as to Plaintiffs' Breach of Fiduciary Duty claim (Count V).
2. Upon the resolution of the remaining claims in this case, the Clerk of Court is directed to enter judgment in favor of Defendants on Count I of Plaintiffs' Second Amended Complaint, ECF No. 122.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge